

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: April 4, 2005	Department ID Number: PW 05-022

**CITY OF HUNTINGTON BEACH**  
**REQUEST FOR CITY COUNCIL/REDEVELOPMENT AGENCY ACTION**

**SUBMITTED TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS /  
 REDEVELOPMENT AGENCY CHAIRPERSON AND MEMBERS

**SUBMITTED BY:** *Penelope Culbreth*  
 PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR /  
 EXECUTIVE DIRECTOR

**PREPARED BY:** PAUL EMERY, ACTING DIRECTOR OF PUBLIC WORKS *Paul Emery*  
 DAVID BIGGS, DIRECTOR OF ECONOMIC DEVELOPMENT *David Biggs*  
 DEPUTY EXECUTIVE DIRECTOR

**SUBJECT:** ADOPT A RESOLUTION TO VACATE ONE-HALF OF AN ALLEY IN THE  
 BLOCK BOUNDED BY WALNUT AVENUE, 5<sup>th</sup> STREET, 6<sup>th</sup> STREET AND  
 PACIFIC COAST HIGHWAY, QUITCLAIM INTEREST, AND AUTHORIZE  
 CONVEYANCE *Res. No. 2005-28*

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

**Statement of Issue:** In order to comply with the conditions of approval for the development of The Strand project, one-half of the existing alley needs to be abandoned, with the City also quitclaiming any interest in the area and authorizing conveyance to the Redevelopment Agency. The Redevelopment Agency will then convey the half alley to the adjacent property owner (Shirley Worthy) in order to comply with the conditions of approval.

**Funding Source:** Not applicable.

**Recommended Action:** Motion to:

**City Council:**

1. Open, conduct and close the Public Hearing;
2. Adopt Resolution No. *2005-28* (Attachment 3) to vacate one-half of the public alley bounded by Walnut Avenue, 5<sup>th</sup> Street, 6<sup>th</sup> Street and Pacific Coast Highway as described in the attached legal description and as shown on the attached plat map.

RECEIVED  
 CITY CLERK  
 APR 11 2005

D-1

## REQUEST FOR ACTION

MEETING DATE: April 4, 2005

DEPARTMENT ID NUMBER: PW 05-022

3. Authorize the Mayor and City Clerk to execute a Quit Claim deed relinquishing any interest in the half alley and conveying the half alley to the Redevelopment Agency.

### **Redevelopment Agency:**

1. Authorize the Agency Chairperson and Agency Clerk to Execute a Quitclaim Deed Conveying the half alley to Shirley D. Worthy, et al.

**Alternative Action(s):** Deny the recommended action and provide staff with direction in regard to alternative ways to meet the Conditions of Approval for The Strand project.

**Analysis:** On October 21, 2002, the City Council approved Tentative Tract Map No. 16406, Conditional Use permit No. 99-45 with Special Permit No. 02-06 and Coastal Development Permit No. 99-16 for The Strand at Downtown Huntington Beach – Blocks 104/ 105. Pursuant to the Conditions of Approval for Tentative Tract Map No. 16406, "vacation and abandonment of portions of alley rights-of-way in Block 105" is required. In accordance with the Conditions of Approval, the Tentative Map for the project will vacate the public alleys in the block bounded by Walnut Avenue, 5<sup>th</sup> Street, 6<sup>th</sup> Street and Pacific Coast Highway. However, the westerly portion of the alley adjacent to the Worthy property is not included with the Tentative Map boundaries, and needs to be vacated through the process outlined in this Request for Council/Redevelopment Agency Action.

A public notice of the intent to vacate the half alley was published in the Independent on March 17 and 24, 2005. In addition, the Notice to Vacate was also posted on site beginning March 17, 2005. Therefore, the westerly one-half of the public alley adjacent to the property in the block bounded by Walnut Avenue, 5<sup>th</sup> Street, 6<sup>th</sup> Street and Pacific Coast Highway will be vacated per the Resolution following its adoption after the public hearing.

Given the unusual nature of the original dedication of some of the alleys in the Downtown area, it is also recommended that the City Council authorize the execution of a Quitclaim Deed for its interest in the half alley. Since the City does not desire to retain any interest in the half alley, the parcel is to be conveyed to the Redevelopment Agency. Conveyance of City surplus land to the Redevelopment Agency is exempt from the City's surplus property procedures.

As the final action, the Redevelopment Agency will authorize the conveyance of the half alley to the adjacent property owner (Shirley Worthy) in order to comply with the Conditions of Approval for The Strand project.

**Public Works Commission Action:** Not required.

D-1.2

## REQUEST FOR ACTION

MEETING DATE: April 4, 2005

DEPARTMENT ID NUMBER:PW 05-022

**Environmental Status:** The proposed project is categorically exempt pursuant to Class V: Alterations in Land Use Limitations, sub-section (a) Minor street, alley, and utility easement vacations, of Resolutions No. 4501 of the City of Huntington Beach. Resolution No. 4501 constitutes the City's implementing procedures for the California Environmental Quality Act (CEQA) in the City, and it establishes additional categorical exemptions for the City of Huntington Beach, pursuant to the State CEQA Guidelines, California Government Code §15061(c). In addition, the recommended actions are necessary to comply with prior City and Redevelopment Agency approvals for the project which was deemed to be exempt under Environmental Quality Act Section 15168 C, Public Resources Code 21083.3 as evaluated in Environmental Assessment 99-9. Previous environmental documentation covering the project are EIR No. 96-2 for the Huntington Beach Redevelopment Project and EIR 89-6 Main-Pier Phase II and Main Street 100 Block.

**Attachment(s):**

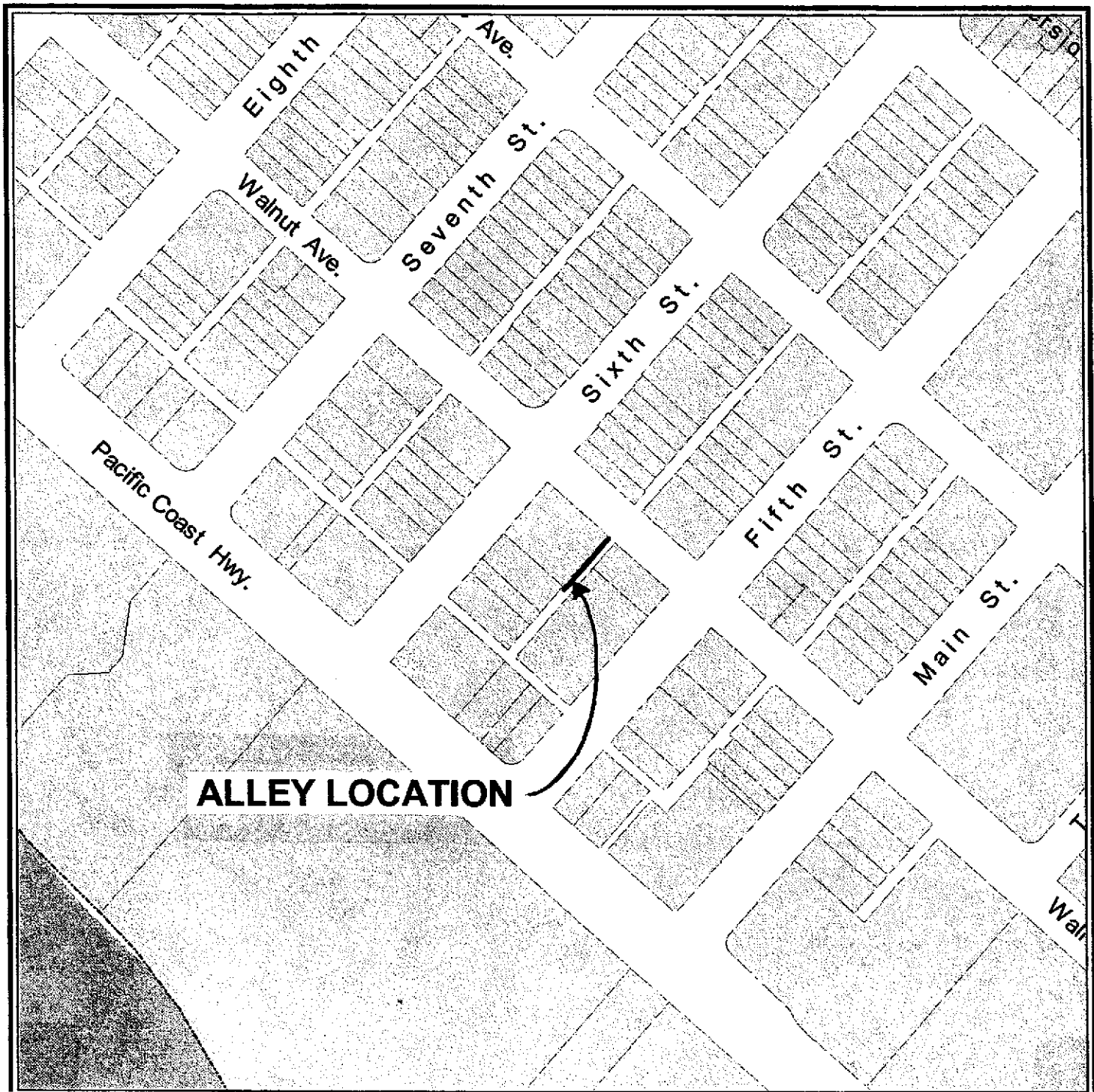
City Clerk's Page Number	No.	Description
4	1.	Location Map
6	2.	Plot of Area to be Vacated
8	3.	Resolution No. <u>2005-28</u>
13	4.	City Quitclaim Deed
20	5.	Redevelopment Agency Quitclaim Deed to Worthy, et al.

D-13

**INTENTIONALLY  
LEFT  
BLANK**

D-14

# ATTACHMENT #1



# Location Map

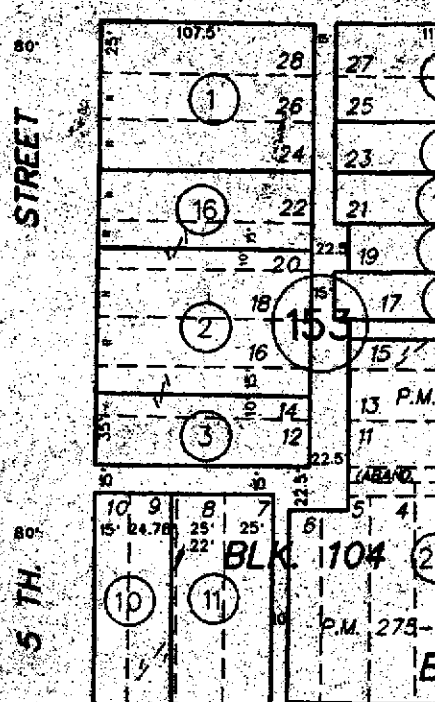
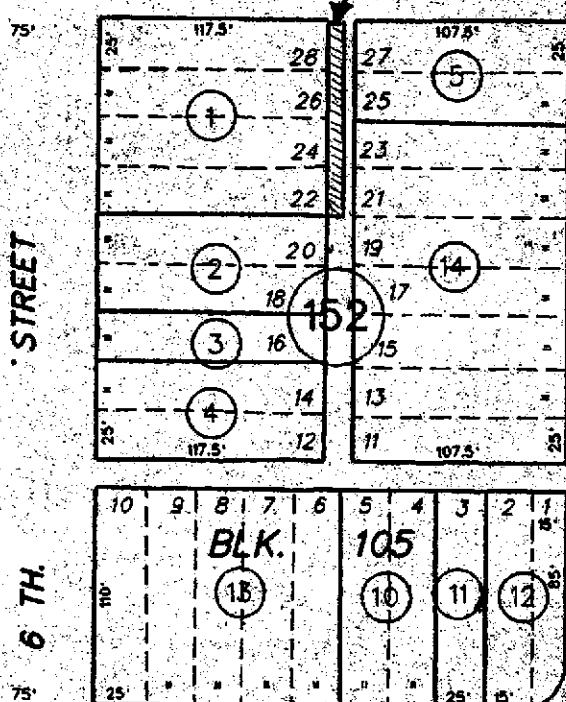
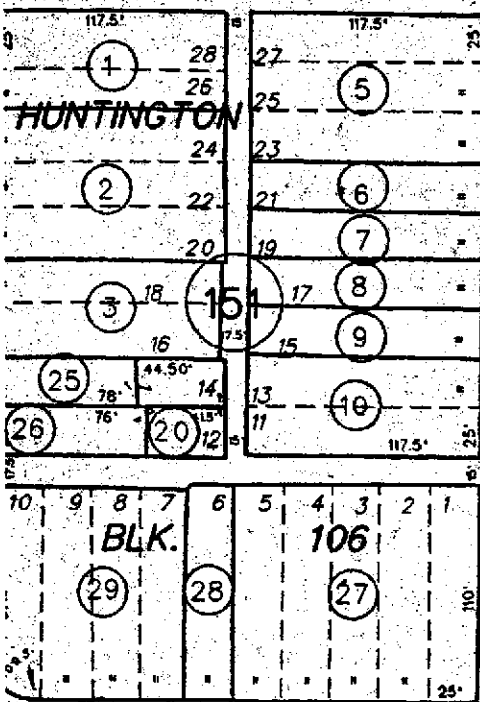
D-1.5

D-1.6

**ATTACHMENT #2**

WALNUT

ALLEY LOCATION



COAST

P.M. 8-21

P.M. 8-39

17  
2.65 AC.

16  
6.49 AC.

R. S. 35-13

T. 6S. R. 11W.

SECTION 11  
SECTION 14

HUNTINGTON BEACH M.M. 3-36

TRACT NO. 12702



D-1.8

# ATTACHMENT #3

RESOLUTION NO. 2005-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF HUNTINGTON BEACH VACATING A PORTION OF  
THE ALLEY RIGHT-OF-WAY LOCATED WITHIN BLOCK 105  
IN DOWNTOWN HUNTINGTON BEACH

WHEREAS, on October 21, 2002, the City Council conditionally approved Tentative Tract Map 16406, Conditional Use Permit 99-45, and Special Permit No. 02-06 and Coastal Development Permit No. 99-16 for the development project known as "The Strand at Downtown Huntington Beach Blocks 104/105"; and

The approved conditions of approval require the vacation of portions of alley right-of-way in Block 105; and

A public meeting was held before the City Council on October 21, 2002, at which time it was determined, pursuant to Government Code Section 65402, that the proposed vacation of a portion of the alley right-of way commonly referred to as the northwesterly one-half of the alley located within Block 105, as shown on the Map of Huntington Beach, in the City of Huntington Beach, County of Orange, State of California, bounded on the north by Walnut Avenue, on the west by Sixth Street, on the east by Fifth Street and on the south by Pacific Coast Highway, located within Block 105 within the Downtown portion of the City of Huntington Beach, legally described in the attached Exhibit A and depicted on the map attached hereto as Exhibit B, conformed to the City's General Plan; and

Pursuant to Division 9, Part 3, Chapter 2 of the California Streets and Highways Code, commencing with Section 8320, the City Council of the City of Huntington Beach has commenced proceedings under the Chapter for a vacation of the portion of the alley right-of-way depicted in Exhibit B; and

The City Clerk set April 4, 2005, at the hour of 6:00 p.m. or as soon thereafter as the matter may have been heard in the City Council Chambers, as the time and place for hearing all persons interested in or objecting to the proposed vacation; and

A Notice of Public Hearing on the vacation was published for at least two successive weeks prior to the hearing in the Huntington Beach Independent. At least two weeks prior to the public hearing, at least three (3) Notices of Vacation were posted conspicuously along the portion of the alley right-of-way to be vacated not more than 300 (three hundred) feet apart; and

On April 4, 2005, at the hour of 6:00 p.m. in the City Council Chambers, the City Council did convene for the purpose of hearing all persons interested in or objecting to the proposed vacation of the alley right-of-way depicted in Exhibit B, at which time no acceptable objection

D-1.9

was made to said vacation, and evidence was presented showing that the alley right-of-way depicted in Exhibit B is not necessary for present or prospective uses,

NOW, THEREFORE, the City Council of the City of Huntington Beach pursuant to Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, commencing with Section 8320, does hereby resolve as follows:

1. Based on all the evidence submitted, the alley right-of-way legally described in Exhibit A and depicted in Exhibit B is unnecessary for present or prospective public use and it is hereby ordered vacated.

2. The City Clerk shall cause a certified copy of this resolution of vacation to be recorded in the Orange County Records Office.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

*Penelope Cullen*  
City Administrator

APPROVED AS TO FORM:

*Travis McLean*  
City Attorney  
3/15/05 LHM 3/10/05

INITIATED AND APPROVED:

*[Signature]*  
Director of Public Works

D-1.10

EXHIBIT "A"  
LEGAL DESCRIPTION

THE NORTHWESTERLY ONE-HALF OF THE ALLEY LYING ADJACENT TO AND SOUTHEASTERLY OF LOTS 22, 24, 26 AND 28 IN BLOCK 105, AS SHOWN ON THE MAP OF HUNTINGTON BEACH, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 36 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED NORTHERLY BY THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID LOT 28 AND BOUNDED SOUTHERLY BY THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID LOT 22.

THE HEREINABOVE DESCRIBED PARCEL CONTAINS 750 SQUARE FEET OF LAND, MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHT-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF

  
MICHAEL SIMON, P.L.S. 6034  
REGISTRATION EXPIRES 6/30/05

  
DATE



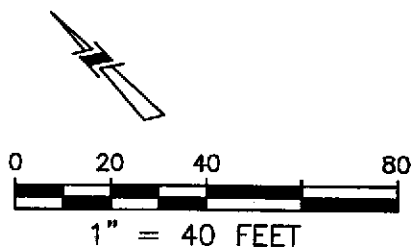
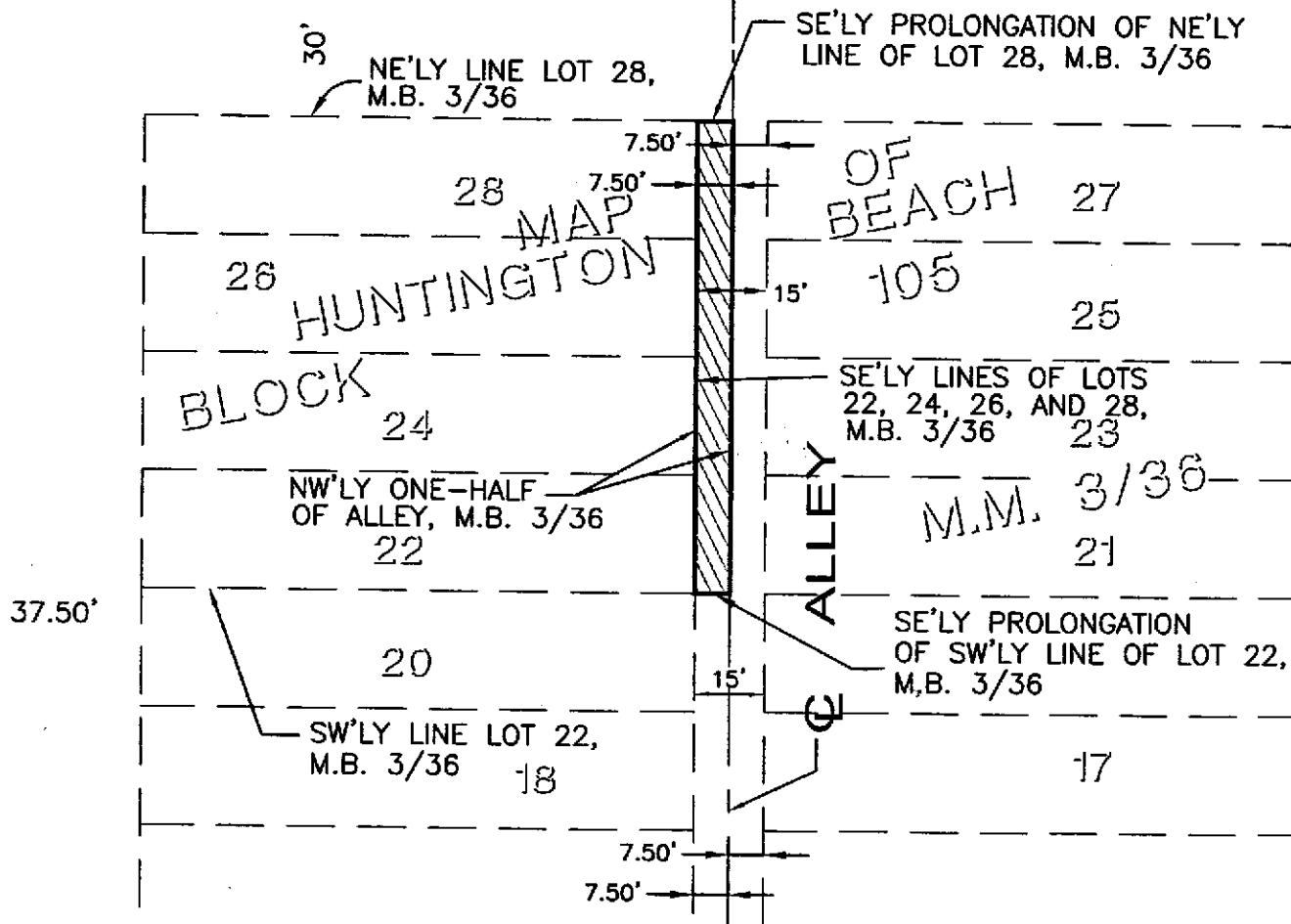
D-1.11

# EXHIBIT "B"

WALNUT AVENUE

WALNUT AVENUE

SIXTH STREET



D-1.12

**INTENTIONALLY  
LEFT  
BLANK**

D-1.13

**ATTACHMENT #4**

OFFICIAL BUSINESS  
Document entitled to free  
recording per Government Code  
Sections 6103 and 27383

Recording Requested By  
And Recorded Mail To:

REDEVELOPMENT AGENCY OF THE  
CITY OF HUNTINGTON BEACH  
2000 Main Street  
Huntington Beach, CA 92648  
Attn: Executive Director

---

SPACE ABOVE THIS LINE FOR RECORDING USE

EXEMPT FROM DOCUMENTARY TRANSFER TAX PER GOVERNMENT CODE SECTIONS 6103 AND 27383

**QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF HUNTINGTON BEACH, a California municipal corporation ("Grantor"), hereby remises, releases and quitclaims to the REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH, a public body, corporate and politic ("Grantee"), all of Grantor's right, title and interest in the following real property:

See Exhibits A and B attached hereto and incorporated herein by reference

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its officer hereunto duly authorized.

"Grantor"

CITY OF HUNTINGTON BEACH

---

Jill Hardy  
Mayor

ATTEST:

APPROVED AS TO FORM:

---

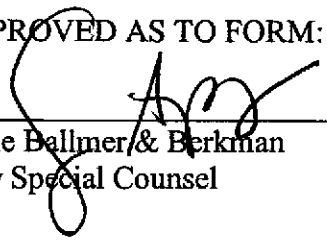
City Clerk

*P. J. ...* 3/16/05  
City Attorney LHM 3-16-05

D-1.14



APPROVED AS TO FORM:



---

Kane Ballmer & Berkman  
City Special Counsel

D-1.15

# CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by the within Quitclaim Deed from the City of Huntington Beach, a California municipal corporation to the Redevelopment Agency of the City of Huntington Beach is hereby accepted by the undersigned officer on behalf of the Redevelopment Agency of the City of Huntington Beach pursuant to authority conferred by resolution of the Redevelopment Agency of the City of Huntington Beach and the City of Huntington Beach, and the Grantee consents to recordation thereof by its duly authorized officer.

"Grantee"

REDEVELOPMENT AGENCY OF THE  
CITY OF HUNTINGTON BEACH

\_\_\_\_\_  
Penelope Culbreth-Graft  
Executive Director

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Agency Secretary

*Prifer* 7/16/05  
for General Counsel LTM 3-16-05

APPROVED AS TO FORM:

*Kane Ballmer & Berkman*  
\_\_\_\_\_  
Kane Ballmer & Berkman  
Agency Special Counsel

D-1.16

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

D-1.17

EXHIBIT "A"  
LEGAL DESCRIPTION


THE NORTHWESTERLY ONE-HALF OF THE ALLEY LYING ADJACENT TO AND SOUTHEASTERLY OF LOTS 22, 24, 26 AND 28 IN BLOCK 105, AS SHOWN ON THE MAP OF HUNTINGTON BEACH, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 36 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED NORTHERLY BY THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID LOT 28 AND BOUNDED SOUTHERLY BY THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID LOT 22.

THE HEREINABOVE DESCRIBED PARCEL CONTAINS 750 SQUARE FEET OF LAND, MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHT-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF

  
MICHAEL SIMON, P.L.S. 6034  
REGISTRATION EXPIRES 6/30/05

  
DATE



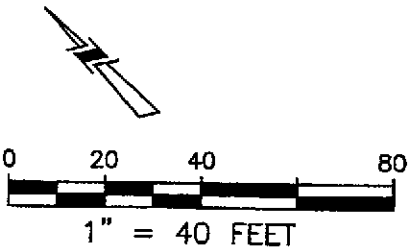
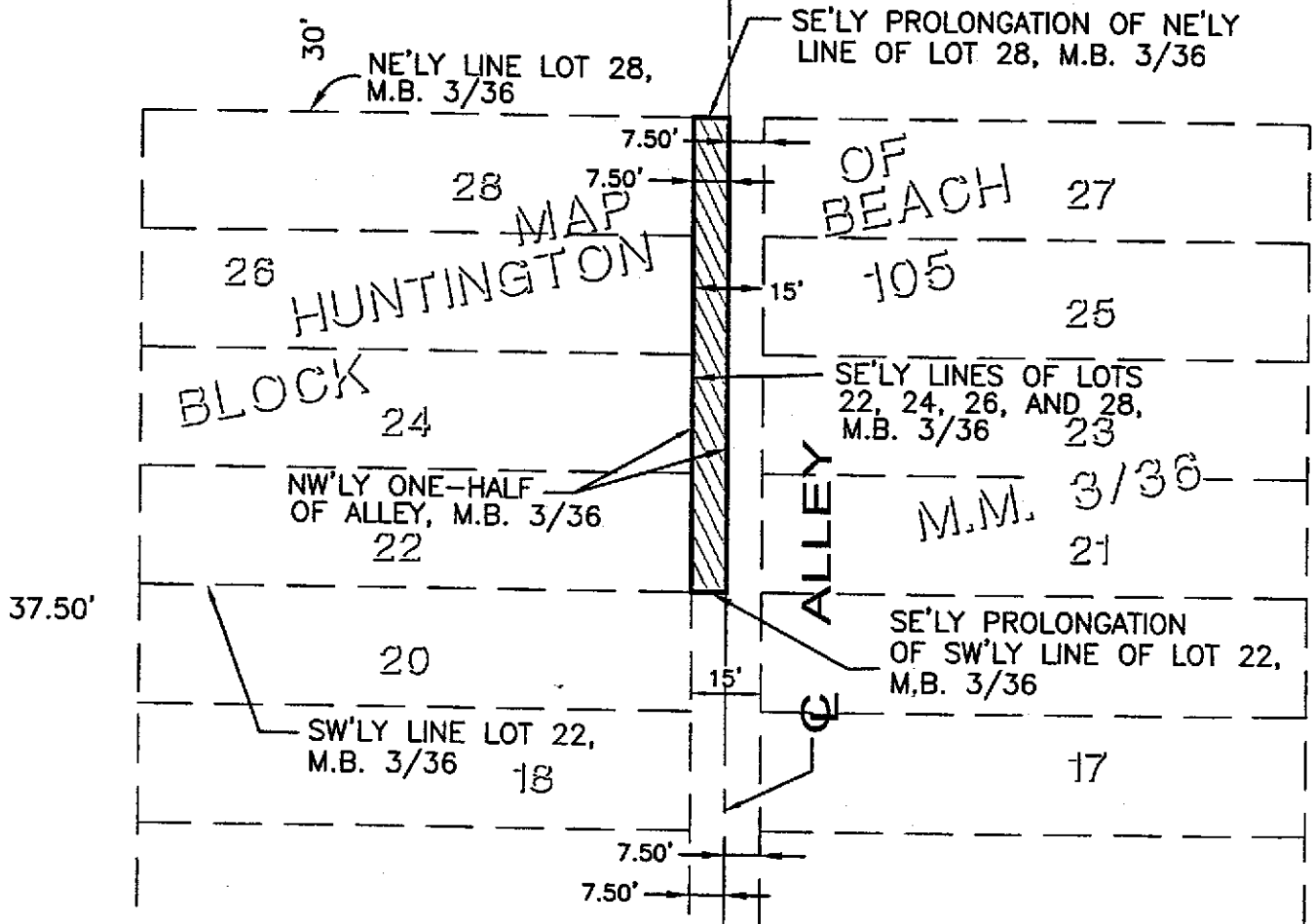
D-118

# EXHIBIT "B"

WALNUT AVENUE

AVENUE

SIXTH STREET



D-119

**INTENTIONALLY  
LEFT  
BLANK**

D-1.20

# ATTACHMENT #5

OFFICIAL BUSINESS

Document entitled to free  
recording per Government Code  
Sections 6103 and 27383

Recording Requested By:

REDEVELOPMENT AGENCY OF THE  
CITY OF HUNTINGTON BEACH

2000 Main Street  
Huntington Beach, CA 92648  
Attn: Executive Director

When Recorded Mail to  
And Mail Tax Statements to:

SHIRLEY D. WORTHY  
801 13th Street  
Huntington Beach, CA 9 2648

---

SPACE ABOVE THIS LINE FOR RECORDING USE

EXEMPT FROM DOCUMENTARY TRANSFER TAX PER GOVERNMENT CODE SECTIONS 6103 AND 27383

**QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH, a public body, corporate and politic ("Grantor"), hereby remises, releases and quitclaims to SHIRLEY D. WORTHY ("Grantee") all of Grantor's right, title and interest in the following real property:

See **Exhibits A and B** attached hereto and incorporated herein by reference

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its officer hereunto duly authorized.

"Grantor"

REDEVELOPMENT AGENCY OF THE  
CITY OF HUNTINGTON BEACH

Date: \_\_\_\_\_

\_\_\_\_\_  
Penelope Culbreth-Graft  
Executive Director

D - 1.21



ATTEST:

\_\_\_\_\_  
Agency Secretary

APPROVED AS TO FORM:

*Regan* 3/16/05  
✓ General Counsel LHM 3/16/05

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
Agency Special Counsel

D-1.22

STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

On \_\_\_\_\_, before me,  
\_\_\_\_\_, personally appeared personally  
known to me (or proved to me on the basis of satisfactory evidence) to be the person(s)  
whose name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

D-1.23

EXHIBIT "A"  
LEGAL DESCRIPTION


THE NORTHWESTERLY ONE-HALF OF THE ALLEY LYING ADJACENT TO AND SOUTHEASTERLY OF LOTS 22, 24, 26 AND 28 IN BLOCK 105, AS SHOWN ON THE MAP OF HUNTINGTON BEACH, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 36 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED NORTHERLY BY THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID LOT 28 AND BOUNDED SOUTHERLY BY THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID LOT 22.


THE HEREINABOVE DESCRIBED PARCEL CONTAINS 750 SQUARE FEET OF LAND, MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHT-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF

  
MICHAEL SIMON, P.L.S. 6034  
REGISTRATION EXPIRES 6/30/05

  
DATE



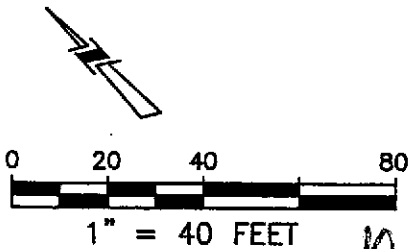
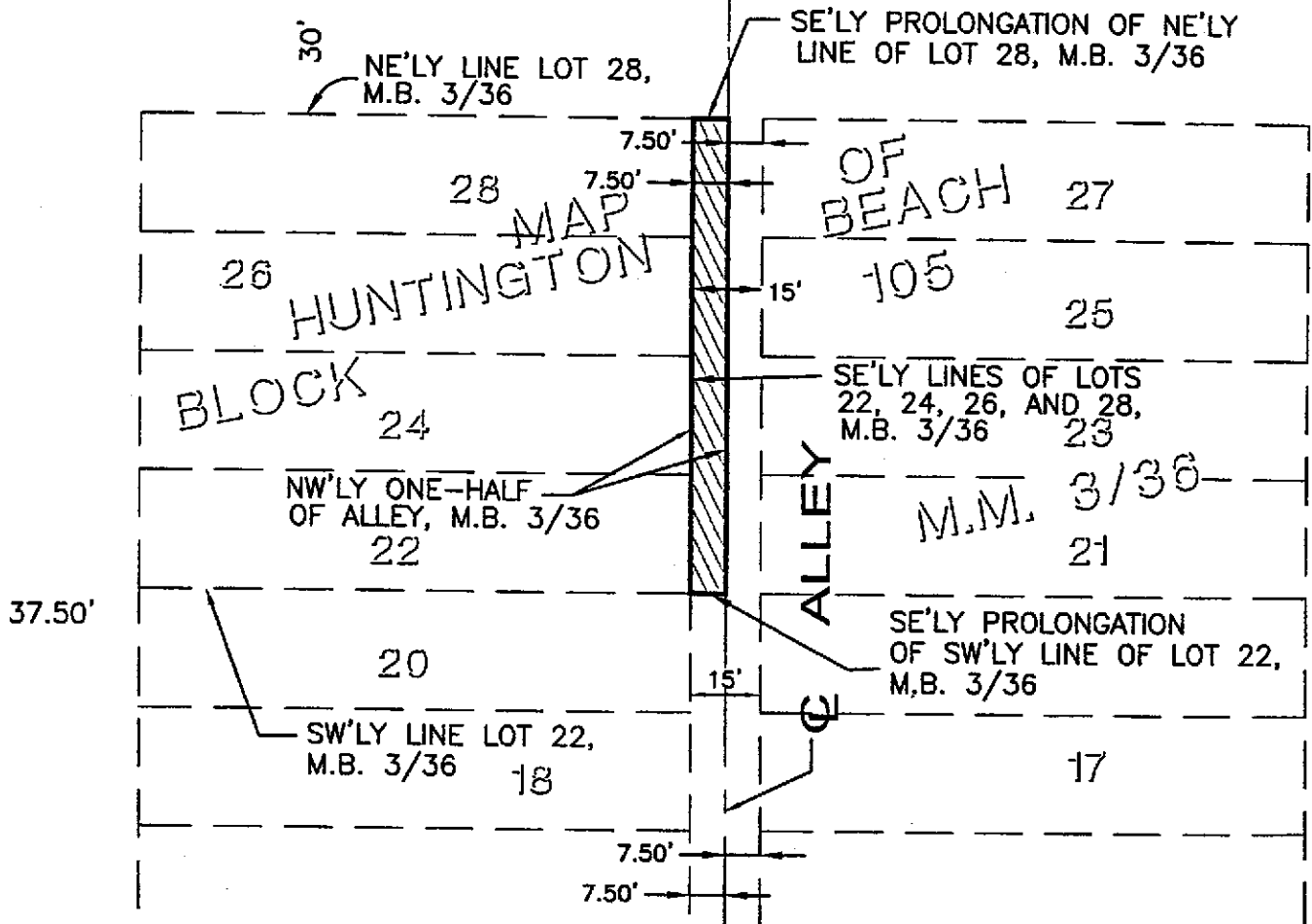
D-1.24

# EXHIBIT "B"

WALNUT

AVENUE

SIXTH STREET



0-1.25